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HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States

Note by the Secretary-General

1. By its decision 45/427 of 14 December 1990, the General Assembly requested the Secretary-General to seek the views of Member States on General Assembly resolution 43/124 of 8 December 1988, regarding the impact of property on the enjoyment of human rights and fundamental freedoms, and to report thereon to the Assembly at its forty-seventh session.

2. Also at its forty-fifth session, the General Assembly, in its resolution 45/98 of 14 December 1990, having taken note of the report of the Secretary-General (A/45/523), requested the Commission on Human Rights, while addressing the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, to consider the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributed to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of their human rights and fundamental freedoms.

3. The Commission on Human Rights, at its forty-seventh session, adopted resolution 1991/19 of 1 March 1991 in which the Commission, inter alia,

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requested its Chairman to entrust an independent expert with the task of preparing a study, within the existing financial resources, on the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributed to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms, and requested that a preliminary report be submitted to the Commission at its forty-eighth session and the final report at its forty-ninth session. The Economic and Social Council endorsed the Commission's request. On 29 August 1991, the Chairman appointed Mr. Luís Valencia Rodriguez (Ecuador) as the independent expert to carry out the task. The preliminary report submitted by him and considered by the Commission was contained in document E/CN.4/1992/9.

4. The Commission on Human Rights, in its resolution 1992/21 of 28 February 1992, requested the Secretary-General to provide all necessary assistance to the independent expert and to transmit his preliminary report to all Member States and interested intergovernmental and non-governmental organizations, requesting them to submit their comments so that they could be taken into account in the work of the independent expert.

5. Pursuant to that resolution, by a communication dated 6 April 1992, the Secretary-General invited Member States and interested intergovernmental and non-governmental organizations to submit their views on the subject.

6. At the request of the Commission on Human Rights, the Secretary-General also transmitted to them the preliminary report of the independent expert. The attention of Governments and organizations was drawn to paragraphs 54 to 56 of that report containing a questionnaire prepared by the independent expert on the subject.

7. The Commission decided to consider the final report at its forty-ninth session, in 1993.